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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,249	10/29/2001	David T. Faber	JETDP0124US	8108

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EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,249

Applicant(s)

FABER, DAVID T.

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-9 and 12-14 is/are allowed.
- 6) ☒ Claim(s) 5, 10, 11 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 19-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 2/12/02, 11/4/02, and 6/9/03 have been considered. The IDS submitted on 6/9/03 has some entries that are identical to those of the 11/4/02 IDS. The repeated entries have been lined through.

### ***Claim Objections***

2. Claim 12 is objected to. Claim 12 recites the "the flotation units" in line 7. There is insufficient antecedent basis for this limitation in the claim. However, it is clear from the claim language and the specification that this recitation refers back to the previously recited "floatation cells" and this will be assumed for examination purposes. Correction is required.

3. Claim 16 is objected to. Claim 16 positively recites "a drain hole" in lines 1-2. A drain hole has already been positively recited in claim 15. Double recitation of the same element is improper. However, it is clear from the claim language and the specification that both recitations refer to the same drain hole and this will be assumed for examination purposes. Correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claim 5 recites the limitation "the beam" in line 1. There is insufficient antecedent basis for this limitation in the claim. Although it is clear from the specification what "the beam" is, it is unclear if claim 5 is dependent from claim 3 (as recited in claim 5) or from claim 4 (where the beam is first positively recited). This renders the scope of claim 5 unclear. Claims 10 and 11 depend from claim 5.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eva, III et al. (US 5,931,113) in view of Obrock et al. (US 5,911,542). Eva discloses a beam that is used with a floating dock. The beam includes a plurality of cells (29a-e). The cells are connected to each other and each cell has an upper portion, a lower portion, and a drain hole (36) in the lower portion. Figure 8C depicts a single cell where a feeder line (46) connects an inlet riser to a pressurized air source (44). A portion of the feeder line is disposed below the upper portion of the cell, and the inlet riser extends into the cell. Eva discloses in line 30 of column 7 that a manifold arrangement can be used to connect the air source to all of the cells. The drain hole (36) constitutes a restriction means that dampens the flow of water out of the cell. Eva does not disclose that the air source is selectively connectable to the feeder line. Obrock discloses a floating dock with variable buoyancy cells. The cells are individually connected to an air

line (200), and the air line is selectively connected to a pressurized air source (214) via check valve (220) and regulator (222). This allows permanent installation of the air source, which eliminates the need for connecting and disconnecting every time the user wants to adjust the buoyancy of the cells. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Eva by using the selective connection to the air source as taught by Obrock.

9. Regarding claims 17 and 18, it is well known to step down the size of conduit when moving from a manifold to lines coming off of the manifold. The motivation is to provide a manifold with a large enough flow capacity to accommodate all of the downstream lines such that the lines have substantially equal flow rate. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Eva by using risers with a smaller cross sectional area than that of the feeder line.

***Allowable Subject Matter***

10. Claims 1-4, 6-9, and 12-14 are allowed.

11. Claims 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 5, 10, and 11 would be allowable if re-written to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

13. The following is an examiner's statement of reasons for allowance: regarding claim 1, the prior art contains floating docks with a deck with variable buoyancy

floatation cells below the deck; but the prior art does not teach or suggest such a dock in combination with the recited inlet risers, feeder line, sources of air and water, and associated valves. Regarding claim 12, the prior art does not teach or suggest the step of filling the feeder line and risers with water. Regarding claim 14 (construed in accordance with 35 USC 112 6<sup>th</sup> paragraph), the prior art does not teach or suggest the means for back filling the manifold with water. Regarding claim 19, the prior art does not teach or suggest the source of pressurized water selectively connectable to the feeder line.

14. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carson (US 3,951,087) discloses a floating dock comprising a variable buoyancy float cell, an air source, a feeder line, and an inlet riser. Bloxham (US 4,510,877) discloses a floating dock that comprises variable buoyancy cells, and air source, an air manifold, and valves. Moody (US 5,860,379) discloses a floating dock that comprises variable buoyancy cells, an air source, an air manifold, and valves.


16. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9326 for before final proceedings and 703-872-9327 for after final proceedings. The fax number for the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright  
Patent Examiner  
Art Unit 3617

 7/21/03